

**STATE OF SOUTH CAROLINA**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**Docket No. 2021-192-E**

In the Matter of:

Dominion Energy South Carolina, Incorporated  
Coal Retirement Docket Opened Pursuant to  
Commission Order No. 2021-418

**PETITION TO INTERVENE OF  
BRIGHTNIGHT, LLC**

BrightNight, LLC (“BrightNight”), pursuant to SC Code of Laws § 58-41-20(A) and SC Code of Regs. 103-825, respectfully submits this petition to intervene out of time in the above-captioned proceeding currently pending before the South Carolina Public Service Commission (the “Commission”). In support of its petition, BrightNight states as follows:

1. In Order No. 2020-832, the Commission indicated that it was opening a new docket to “evaluate the reliability risks and environmental costs of continued operation of the coal plants, as well as options, informed by resource bids, to replace legacy coal technology with state-of-the-art clean energy.”

2. On June 9, 2021, the Commission, during its regularly scheduled Commission Business Meeting, issued a Directive stating that:

The revisions to the DESC 2020 IRP previously ordered by the Commission resulted in Resource Plan 8 being selected by [Dominion Energy South Carolina, Inc. (“DESC” or “Dominion”)] as the ‘preferred portfolio’ to lessen ratepayer impact, promote reliability, incorporate renewable energy, reduce carbon dioxide emissions, and considered the least risky of the resource plans. RP 8 also retires the Wateree and Williams coal plants in 2028 and converts the Cope coal plant to natural gas in 2030.

The Directive opened the above-captioned Dominion Coal Retirement Docket “so that the company and the parties can advise the Commission on an appropriate procedural schedule along with any statutory or regulatory deadlines that might need to be addressed”. The Directive instructed the Clerk’s Office to issue a notice for intervention and comment from all interested parties and stakeholders.

3. BrightNight has a substantial and specific economic interest in the development and operation of renewable energy in South Carolina and, thus, in the Commission’s actions thereon. BrightNight is a developer of renewable energy projects throughout the United States with plans to identify and develop future renewable energy projects in South Carolina.<sup>1</sup> These plans for South Carolina projects would be impacted by the decisions this Commission makes in the above-captioned matter.

4. In particular, the Commission’s resolution of the subject matter of this Docket will affect opportunities to develop renewables and clean energy alternatives in South Carolina—which squarely impacts the demand and economics for the exact type of clean energy projects in which BrightNight specializes. Thus, BrightNight’s commercial plans and opportunity would be directly and substantially affected by the outcome of this proceeding. For those reasons, among others, BrightNight’s interests in this proceeding cannot be adequately represented or protected by any other party.

5. BrightNight recognizes that the Commission has established a procedural schedule for this proceeding and that the time for seeking intervention on right has passed. Despite that, good cause exists to allow BrightNight to intervene at this stage and BrightNight’s participation

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<sup>1</sup> BrightNight is a Delaware limited liability company with U.S.-based offices in California and Florida.

would not inconvenience or prejudice the parties. As background, BrightNight has not normally participated in Dockets at this Commission, and BrightNight did not learn of the subject Request until after the intervention deadline had passed. Since learning of the matter, BrightNight has proceeded without delay to retain the undersigned South Carolina legal counsel to prepare, authorize and make this filing. BrightNight does not anticipate the need to make a similar out-of-time motion in the future now that it is being advised and represented by the undersigned counsel.

6. BrightNight's out of time filing will not prejudice any party. On October 4, 2021, Dominion and all of the current intervenors in this Docket filed a joint motion to amend the procedural schedule to delay these proceedings by six months. Under the proposed amended schedule, Direct Testimony and Exhibits are not due until May 16, 2022, and a Hearing will not be held until on or after June 30, 2022. BrightNight's intervention will not disrupt the proceeding nor prejudice or impose additional burdens on any other parties in this docket. Thus, good cause has been shown for granting this late intervention request.

7. BrightNight's participation would constructively add to this proceeding by contributing to the development of a complete record based on BrightNight's unique and substantial business interest in developing renewable energy projects in South Carolina.

8. Granting BrightNight's request to intervene in this proceeding is in the public interest and is consistent with the policies of the Commission in encouraging maximum public participation in issues before it.

9. Pursuant to Rule 103-804, BrightNight states that it is represented by the following counsel in this proceeding:

Weston Adams, III  
weston.adams@nelsonmullins.com  
Courtney E. Walsh  
court.walsh@nelsonmullins.com

Nelson Mullins Riley & Scarborough  
1320 Main Street  
Meridian- 17th Floor  
Columbia, South Carolina 29201  
Telephone: 803-255-9524

WHEREFORE, Petitioner BrightNight, LLC prays that it be allowed to intervene as a party of record and participate fully in this proceeding.

Respectfully submitted this 15<sup>th</sup> day of October, 2021.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Weston Adams, III  
Weston Adams, III (SC Bar No. 64291)  
E-Mail: weston.adams@nelsonmullins.com  
Courtney E. Walsh (SC Bar No. 72723)  
E-Mail: court.walsh@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Attorneys for Petitioner BrightNight, LLC

Columbia, South Carolina

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**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one copy of the **Petition to Intervene of BrightNight, LLC** to the persons named below at the addresses set forth via electronic mail and e-filing:

Alexander G. Shissias  
 The Shissias Law Firm, LLC  
[alex@shissiaslawfirm.com](mailto:alex@shissiaslawfirm.com)

Andrew M. Bateman, Counsel  
 Office of Regulatory Staff  
[abateman@ors.sc.gov](mailto:abateman@ors.sc.gov)

Christopher M. Huber , Counsel  
 Office of Regulatory Staff  
[chuber@ors.sc.gov](mailto:chuber@ors.sc.gov)

Carri Grube Lybarker  
 SC Department of Consumer Affairs  
[clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov)

Dorothy E. Jaffe, Esquire  
 Sierra Club  
[dori.jaffe@sierraclub.org](mailto:dori.jaffe@sierraclub.org)

Emma C. Clancy  
 Southern Environmental Law Center  
[Eclancy@selcsc.org](mailto:Eclancy@selcsc.org)

Katherine Lee Mixson  
 Southern Environmental Law Center  
[klee@selcsc.org](mailto:klee@selcsc.org)

Matthew W. Gissendanner, Senior Counsel  
 Dominion Energy South Carolina,  
 Incorporated  
[matthew.gissendanner@dominionenergy.com](mailto:matthew.gissendanner@dominionenergy.com)

Richard L. Whitt, Esquire  
 Whitt Law Firm, LLC  
[richard@rlwhitt.law](mailto:richard@rlwhitt.law)

Robert Guild, Counsel  
 Robert Guild - Attorney at Law  
[bguild@mindspring.com](mailto:bguild@mindspring.com)

Roger P. Hall  
SC Department of Consumer Affairs  
[rhall@scconsumer.gov](mailto:rhall@scconsumer.gov)

Damon E. Xenopoulos, Counsel  
Stone Mattheis Xenopoulos & Brew, PC  
[DEX@smxblaw.com](mailto:DEX@smxblaw.com)

K. Chad Burgess  
Dominion Energy Southeast Services,  
Incorporated  
[chad.burgess@dominionenergy.com](mailto:chad.burgess@dominionenergy.com)

Scott Elliott, Counsel  
Elliott & Elliott, P.A.  
[selliott@elliottlaw.us](mailto:selliott@elliottlaw.us)

/s/ Weston Adams, III  
Weston Adams, III

Columbia, South Carolina  
October 15, 2021